

Serial No. 9/838,340

REMARKS**INTRODUCTION**

In accordance with the foregoing, claims 1-16, 18-33, and 36-43 have been amended. Claim 17 has been cancelled. Claims 34, and 36-43 are pending, but presently withdrawn. Claims 1-16, and 18-33 are pending and under consideration.

In the Office Action, at page 4, numbered paragraph 11, the Examiner indicated that claims 1-7 are allowed. Further, in the Office Action, at page 1, numbered paragraph 9, the Examiner objected to claims 9, 10, 13, 14, and 26-32, but indicated that the claims would be allowable if rewritten in independent form. Claims 9-10, 13, 14, 26-27, and 29-32 have been amended in accordance with the examiner's suggestion, and Applicants submit that claims 9, 10, 13, 14, and 26-32 are in condition for allowance, along with claims 1-7, as amended and allowed.

REJECTION UNDER 35 U.S.C. § 102

In the Office Action, at page 3, numbered paragraph 5, the Examiner rejected claims 8, 12, 15, 24, 25, and 33 under 35 U.S.C. § 102(b) as being anticipated by Bendzick (USPN 5,391,069). The rejection is traversed, and reconsideration is requested.

Bendzick discloses a device for compacting metal shavings which uses a first drive mechanism 12, a compactor stage 14, feed mechanism 16 and discharge stage 18. Additionally, the compactor uses both low-pressure 152 and high-pressure 154 pumps to control the pistons 30 and 42 to compact metal shavings. During operation, the low-pressure system compacts the metal shavings first, followed by compression by the high-pressure system. Applicants submit, however, that Bendzick does not disclose two separate press units.

For example, independent claim 8 recites "...wherein said primary press unit is coupled to said secondary press unit through a passage through which said pre-compressed sludge passes."

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Similarly, independent claim 24 recites "...a first press unit coupled to a second press unit through a passage, where at least one of said first and second press units has a compressing chamber defined therein compressing the concentrated sludge within the compressing chamber, to thereby provide the compressed solid material; and a press controller controlling a pressure in said at least one first and second press units used to squeeze to a predetermined pressure, and a predetermined compressing speed."

Applicants submit that independent claims 8 and 24 patentably distinguish over the cited art and should be allowable. Further, since claims 12 and 15 depend from claim 8, and claims 25 and 33 depend from claim 24, Applicants submit that claims 12, 15, 25, and 33 patentably distinguish over the cited art, and should be allowable for at least the above mentioned reasons, as well as the additional features recited therein.

REJECTION UNDER 35 U.S.C. § 103

In the Office Action, at page 3, numbered paragraph 8, the Examiner rejected claims 11, 16, and 17-23 under 35 U.S.C. § 103(a) as being unpatentable over Bendzick, in view of by Eliot (USPN RE. 29, 606). The rejection is traversed, and reconsideration is requested.

Claims 11, 16, and 18-23 directly or indirectly depend from independent claim 8. Claim 17 is cancelled. Applicants submit that the arguments set forth above in the discussion regarding 35 U.S.C. § 102 patentably distinguish independent claim 8 over Bendzick. Further, Applicants submit that Eliot fails to cure the deficient teachings of Bendzick with regard to independent claim 8. Thus, Applicants submit that claims 11, 16, and 17-23 patentably distinguish over the cited art, and should be allowable for at least the above mentioned reasons, as well as the additional features recited therein.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date 09/30/03

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